

REMARKS**A. Status of the Claims and Explanation of the Amendments**

Currently, the claims under examination are claims 1-11, 15, and 16. Claims 12-14 were previously withdrawn from examination by the Examiner.

Claims 1-6, 10, and 11 have been rejected under 35 U.S.C. §102(b) as allegedly being anticipated over U.S. Patent No. 5,633,527 to Lear (“Lear”). Claims 1, 2, 9, 10, 15, and 16 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by JP 2000231105A to Shirasaki (“Shirasaki”). Claims 7 and 8 have been rejected 35 U.S.C. §103(a) as allegedly being unpatentable over Lear, in view of either U.S. Patent No. 6,359,735 B1 to Gombert (“Gombert”), or JP 10288705A to Aoki et al. (“Aoki”).

In this paper, independent claims 1 and 10 have been amended to correct minor grammatical errors. No new matter has been added by these amendments.

C. Applicant’s Claims Are Not Anticipated Over the Cited References

Applicant respectfully traverses the rejections of Applicant’s claims under 35 U.S.C. §102(b). Briefly, neither Lear nor Shirasaki teach, disclose, or suggest all of the claim elements in Applicant’s claims. Accordingly, the rejections should be withdrawn. MPEP § 2131.

1. Lear Does Not Teach or Disclose “An Area Light Emitting Element” as Recited by Applicant’s Claims

In rejecting Applicant’s claims 1-6 and 10-11, the Office Action contends that Lear teaches “an area light emitting element 42 (col. 14, l. 6-42) arranged directly on and

supported by the substrate (see Figure 6)” [March 29, 2006 Office Action, at page 3]. More specifically, the Office Action alleges that the lower refractive index portion 28 of Lear’s lens forming region 44 in Figure 6 is equivalent to Applicant’s “substrate” and that Lear’s light active region 42 is equivalent to Applicant’s “area light emitting element”.

Without even commenting on whether these components of Lear are indeed equivalent to Applicant’s “substrate” and “area light emitting element”, Applicant respectfully notes that Lear’s light active region 42 is not “arranged directly on and supported by” the lower refractive index portion 28. As shown in Figure 6, there is a layer interposed between the uppermost layer of the light active region 42 and the lower refractive index layer 28. This layer, which is one of the semiconductor layers 16, is located below the cross-hatched lower refractive index portion 28, but above the upper cladding layer 50 of the light active region 42. Because this layer completely separates light active region 42 and lower refractive index layer 28, Figure 6 of Lear does not teach “an area light emitting element arranged directly on and supported by the substrate” as recited in Applicant’s claims 1-6 and 10-11.

Applicant has reviewed the rest of Lear and does not see where Lear teaches, expressly or otherwise, “an area light emitting element arranged directly on and supported by the substrate” as recited in Applicant’s claims.

For at least these reasons, the rejection of Applicant’s claims 1-6 and 10-11 under 35 U.S.C. §102(b) should be withdrawn.

2. Shirasaki Does Not Teach, Disclose, or Suggest an “Optical Member” as Recited in Applicant’s Claims

In its rejection of claims 1, 2, 9, 10, 15, and 16 over Shirasaki, the Office Action alleges that the multiple layers 20/30/412/411/410 of Shirasaki are equivalent to Applicant’s

“substrate”, and that organic EL element 10 is equivalent to Applicant’s “area light emitting device”. The Office Action further contends that Shirasaki teaches “a liquid crystal panel 407” in paragraph [0026] of the office action which allegedly is an “optical member” as recited in Applicant’s claims [Office Action, p. 6].

Applicant, however, respectfully disagrees. Contrary to the Office Action’s assertions, reference numeral 407 of Shirasaki does not refer to a “liquid crystal panel”, but instead is merely a liquid crystal layer. Applicant respectfully asserts that liquid crystal layer 407 is not an “optical member” and does not “[change] the characteristics of light emitted from the area light emitting element” as recited in Applicant’s claims, unless operated upon by electrodes 405 and 411, and alignment films 406 and 410. However, even if one were to include the electrodes 405 and 411 and alignment films 406 and 410 in an attempt to arrive at a liquid crystal display that is an “optical member”, the liquid crystal display would not be in a “recess” for “accommodating the optical member”, as recited by Applicant’s claims. Thus, Applicant respectfully submits that Shirasaki fails to teach, disclose, or suggest the “optical member” recited in Applicant’s claims.

For at least this reason, the rejection of claims 1, 2, 9, 10, 15, and 16 under 35 U.S.C. §102(b) as allegedly being anticipated by Shirasaki should be withdrawn.

C. Applicant’s Claims Are Patentable Over the Cited References

Applicant respectfully traverses the rejection of Applicant’s claims 7-8 under 35 U.S.C. §103(a). Briefly, the proposed combinations of Lear with Gombert or Lear with Aoki fail to teach, disclose, or suggest all of the claim elements of Applicant’s invention. Accordingly, the rejection under 35 U.S.C. §103(a) should be withdrawn.

In proposing the combination of Lear and Gombert or Lear and Aoki, the Office Action assumes that Lear anticipates Applicant's claim 1. Following this assumption, the Office Action relies on Gombert and Aoki for the additional limitations of a recess with a rough bottom surface (claim 7) and a recess with a rough bottom surface having an arithmetic mean roughness Ra of 0.1 μ m to 10 μ m (claim 8).

However, as discussed above, Lear fails to teach, disclose, or suggest "an area light emitting element arranged directly on and supported by the substrate". Neither Gombert nor Aoki alleviate this deficiency of Lear. Gombert is merely directed to an antireflective coating, while Aoki is merely directed to color filters. Neither of these references teaches, discloses, or suggests "an area light emitting element arranged directly on and supported by the substrate".

Because the references, alone or in combination, fail to teach, disclose, or suggest all of the claim elements of Applicant's invention, the rejection of claims 7 and 8 under 35 U.S.C. §103(a) should be withdrawn.

CONCLUSION

Based on the foregoing amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application.

AUTHORIZATION

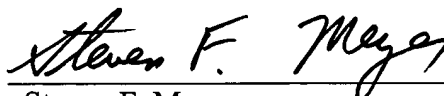
The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. **13-4500**, Order No. 5000-5157. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. **13-4500**, Order No. 5000-5157. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: May 30, 2006

By:



Steven F. Meyer
Registration No. 35,613

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, NY 10281-2101
(212) 415-8700 Telephone
(212) 415-8701 Facsimile